May be destroyed. proceed

App F IX-4

Previous References 1935-36 (one.)

File No 26-35

Serial Nos 32

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos one

Part B for Geer 32.

SUBJECT.

Authority to issue Special notices under Section 12(2)(c) of the city-metres Regn

32. To The Dist City Police Magistrate.
" The Controller (Traffic)
No L 4179-86 VD 03607 -GPE- 22 500 -2 8 35 Sd 2.12.35

Attached has the Commissioner's sanction for the issue of notices to the motor cars entered in the list in connection with the Duncan Cup race

Geer

2243/1

Extract of legal opinion in file M1.26-35 regarding the authority to issue the special notices under Section 12 (2) (e) of the City Municipalities Regulation and the Chief Secretary's orders thereon.

- - - - -

Though the issue of a special notice by the President is not irregular, it is irregular if the revenue officer issues it. It is found from the records that the notice has been issued under the signature of Mr.T.S.Siddappa who is the Revenue Officer. He has signed for the President. The records do not even disclose that the President has ordered the issue of this notice. Strictly such notices have to issue under the President's signature since the power has not been delegated by the Municipal Council to the Revenue Officer, and the President himself cannot delegate such power to the Revenue Officer except under section 250 with the sanction of the Municipal Council. No such sanction of the Municipal Council has been taken and the issue of the notice under the signature of the Revenue Officer is therefore irregular.

Chief Secretary's orders.

A separate circular prescribing that the Municipal President or Municipal Commissioner should himself sign such notices will, if approved, be issued separately.

Sd/- A V R
2/11

A draft circular is submitted for consideration

RMM
20/11/11

Please put up a fair draft

AVR
23/11

Authority to issue special notices under Section 12(2)(c) of the City Mcties Regulation

General and Revenue Secretariat | File No 2293/L of 193 2293/L | [App F III—2

Serial No

Fair draft submitted

RMC 25/11 MM 25/11

Chepseq

2nd Secretary

AM 25/11

BM 26-11-35 AM 26/11

CHIEF SECRETARY 26 NOV. 1935

Recd 29/11/35

Issue BM 29-11-35 AM 29/11

THE SECOND MEETING OF COUNCIL 26 NOV 1935 No 4024

SECTION 1935 SECTT

32

The President, Mysore city Municipality
" Municipal Commr, Bangalore city

D o No L 4179-80 dated 2-12-35

States that they themselves should sign the special notices issued to Mr Councillors under Section 12-(2)(c) unless the power to sign has been delegated & the Revenue officers, with the sanction of the Mr Ch

B 3/12 MM 3/12

NOTE—Contn Sheet

WD 03594—GPB—30,000—13 7 35

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 2-12-35

Signed by R.A.S.R

List of enclosures

Copied by

Examined by

Section Mh

File No 26-35

Serial No 32

No L4179-80

To (1) The President, City Municipal Council

(2) The Municipal Comr, Mysore City

Sir,

Dear Sir

It has been observed that special notices issued to the Municipal Councillors under Section 12(2)(e) of the Mysore City Municipalities Regulation, 193 for the recovery of the arrears of taxes due by them are being signed by the Revenue Officer of the Municipality. ~~The Executive Officer~~ Such notices have to issue under ~~the President's~~ Your signature unless the power ~~is~~ has been delegated by ~~the President~~ Your to the Revenue Officer under section 250 of the Regulation with the sanction

WD 03601—GPB—30,000—23 9 35

of the Municipal Council.

I am to request that the above provision may be borne in mind in issuing such notices in future

Y-S.

Chief Secy to Govt

Memo No. L

Copy to the Municipal Commissioner Bangalore city, for information. In the absence of the delegation of the powers, the Municipal Commissioner has to sign such notices.

By order

Chief Secy to Govt

Appendix F G—1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No

To

~~The Municipal Commr, Bangalore city~~
(through the President)

General and Revenue Secretariat

( )

the *193*

~~Sir,~~ The President, city Municipal Council,

Sir,

~~Official Memorandum~~ Myore

It has been observed

~~Instances have come to the notice~~ that

Date of issue

~~of late~~ ~~wherein the~~ special notices

issued to the Municipal Councillors

under section 12(2)(e) of the City

Municipalities Regulation for ~~default~~ the recovery

Signed by

~~in the payment of~~ arrears of taxes

due by them ~~have been sent~~ are being signed

by the Revenue ~~officers~~ of the Municipality

This is irregular
Such notices have
to be issued under the President's
signature unless the power
has been delegated by
the President to the
Revenue officers under Sec 57
Bye-laws in this behalf
of the Municipality.

List of enclosures

~~that such notices have been sent the~~

~~court legal.~~

I am ~~therefore~~ to request that

Copied by

the above points may be borne in mind in

~~in future these special notices~~

issuing such notices in future

Examined by

~~such notices~~

D. Rao

WD 03601—GPB—30,000—23 9 35

Chy Secy to Govt

Copy of this Memo forwarded for
information In the absence of Delegation of the
power to the ECM has to sign such notices D.R.

should be issued only under your signature

I have etc

Chief Secy Report
ADM M

D O No

GENERAL AND REVENUE SECRETARIAT,

Bangalore, Dated, 30th November 1935.

CONFIDENTIAL

Dear Sir,

It has been observed that special notices issued to the Municipal Councillors under Section 12(2)(e) of the Mysore City Municipalities Regulation, 1933, for the recovery of the arrears of taxes due by them are being signed by the Revenue Officer of the Municipality. Such notices have to issue under your signature unless the power to assign them has been delegated by you to the Revenue Officer under Section 250 of the Regulation with the sanction of the Municipal Council.

I am to request that the above provision may be borne in mind in issuing such notices in future.

Yours sincerely,

Asst Secy

1) The President, City Municipal Council, Mysore.
2) The Municipal Commissioner, Bangalore City.

Rep